



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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July 12, 2023

VIA ECF

Hon. Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *D.H. v. N.Y.C. Dep't of Education*, 23-cv-974 (KPF)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request a 6-week extension of Defendant's time to respond to the complaint, from July 17, 2023 to August 28, 2023, and a 6-week extension of the joint status letter deadline, from August 17, 2023 to September 28, 2023. Plaintiff consents to these requests. This is the third request for an extension. The first request was made on March 3, 2023 and granted by Your Honor that same day. The second request was made on June 2, 2023 and also granted by Your Honor that same day.

The requested extension will provide the parties will additional time to continue discussing settlement. The parties are hopeful that they can settle this matter without further burden on the Court's time.

Accordingly, Defendant respectfully requests that its time to respond to the complaint be extended to August 28, 2023, and that the deadline for the joint status letter be extended to September 28, 2023.

Thank you for considering these requests.

Respectfully submitted,

/s/

Martha Nimmer, Esq.
Special Assistant Corporation Counsel

cc: Kevin Mendillo, Esq. (via ECF)

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket entry 12.

Dated: July 13, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE